

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

XAVIER GABRIEL MALLETTE,

Petitioner,

v.

JACK WARNER,

Respondent.

Case No. C23-1844-JCC-MLP

ORDER FOR SERVICE AND
ANSWER, § 2254 PETITION

This is a federal habeas action filed under 28 U.S.C. § 2254. The Court, having reviewed Petitioner's petition for writ of habeas corpus, and the balance of the record, hereby ORDERS as follows:

(1) The Clerk shall arrange for service by e-mail upon Respondent and upon the Attorney General of the State of Washington, of copies of Petitioner's petition (dkt. # 4) and of this Order. The Clerk shall also direct a copy of this Order and of the Court's *pro se* instruction sheet to Petitioner.

(2) Within ***forty-five (45) days*** after such service, Respondent shall file and serve an answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States District Courts. As part of such answer, Respondent shall state whether Petitioner has exhausted

1 available state remedies and whether an evidentiary hearing is necessary. Respondent shall not
2 file a dispositive motion in place of an answer without first showing cause as to why an answer is
3 inadequate. Respondent shall file the answer with the Clerk of the Court and serve a copy of the
4 answer on Petitioner.

5 (3) The answer will be treated in accordance with LCR 7(d)(3). Accordingly, on the
6 face of the answer, Respondent shall note it for consideration on the fourth Friday after filing.
7 Petitioner may file and serve a response not later than the Monday immediately preceding the
8 Friday designated for consideration of the matter, and Respondent may file and serve a reply not
9 later than the Friday designated for consideration.

10 (4) Filing by Parties, Generally

11 All attorneys admitted to practice before this Court are required to file documents
12 electronically via the Court's CM/ECF system. Petitioner is also required to file all documents
13 electronically. When the total of all pages of an electronic filing exceeds fifty (50) pages in
14 length, a paper copy of the document (with tabs or other organizing aids as necessary) shall be
15 delivered to the Clerk's Office for chambers. The chambers copy must be clearly marked with
16 the words "Courtesy Copy of Electronic Filing for Chambers." All filings must indicate in the
17 upper right-hand corner the name of the magistrate judge to whom the document is directed.

18 Any document filed with the Court must be accompanied by proof that it has been served
19 upon all parties that have entered a notice of appearance in the underlying matter. Petitioner shall
20 indicate the date the document is submitted for e-filing as the date of service.

21 (5) Motions

22 Any request for court action shall be set forth in a motion, properly filed and served.
23 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a

1 part of the motion itself and not in a separate document. The motion shall include in its caption
2 (immediately below the title of the motion) a designation of the date the motion is to be noted for
3 consideration on the Court's motion calendar.

4 (6) Direct Communications with District Judge or Magistrate Judge

5 No direct communication is to take place with the District Judge or Magistrate Judge with
6 regard to this case. All relevant information and papers are to be directed to the Clerk.

7 Dated this 28th day of December, 2023.

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10 MICHELLE L. PETERSON
11 United States Magistrate Judge
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